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Attorneys for Plaintiff
United States of America

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

GARY STEPHEN MAYNARD,

Defendant.

CASE NO. CASE NO. 3:21-MJ-0007-DMC

STIPULATION FOR EXTENSION OF TIME FOR
PRELIMINARY HEARING PURSUANT TO RULE
5.1(d) AND EXCLUSION OF TIME

DATE: September 21, 2021
TIME: 2:00 p.m.
COURT: Hon. Deborah L. Barnes

Plaintiff United States of America, by and through its attorney of record, Assistant United States Attorney MICHAEL D. ANDERSON, and defendant GARY STEPHEN MAYNARD, both individually and by and through his counsel of record, HANNAH LABAREE, hereby stipulate as follows:

1. The Complaint in this case was filed on August 8, 2021, and defendant first appeared before a judicial officer of the Court in which the charges in this case were pending on August 10, 2021. The court set a preliminary hearing date of August 24, 2021. The preliminary hearing date was continued by stipulation and order to September 21, 2021 at 2:00 p.m.

2. By this stipulation, the parties jointly move for an extension of time of the preliminary hearing date to November 22, 2021, at 2:00 p.m., before the duty Magistrate Judge, pursuant to Rule 5.1(d) of the Federal Rules of Criminal Procedure. The parties stipulate that the delay is required to allow the defense reasonable time for preparation, and for the government's continuing investigation of the case. The defendant is in receipt of the complaint affidavit setting forth detailed facts regarding the

1 investigation and the government has provided preliminary discovery to defense counsel of reports,
2 photographs and video recordings to assist in defense preparation. The government is currently in the
3 process of preparing and processing discovery that includes the initial preliminary discovery as well as
4 additional reports and materials. The government is also working on forensic examinations of devices
5 seized pursuant to a search warrant in this case. Additionally, the delay is required to allow the parties
6 to attempt to negotiate a pre-indictment resolution of the case. The parties further agree that the interests
7 of justice served by granting this continuance outweigh the best interests of the public and the defendant
8 in a speedy trial. 18 U.S.C. § 3161(h)(7)(A).

9 3. The parties agree that good cause exists for the extension of time, and that the extension
10 of time would not adversely affect the public interest in the prompt disposition of criminal cases.
11 Therefore, the parties request that the time between September 21, 2021, and November 22, 2021, be
12 excluded pursuant to 18 U.S.C. § 3161(h)(7)(B)(iv), Local Code T-4.

13 IT IS SO STIPULATED.

14 Dated: September 14, 2021

PHILLIP A. TALBERT
Acting United States Attorney

16
17 /s/ MICHAEL D. ANDERSON
MICHAEL D. ANDERSON
Assistant United States Attorney

19 Dated: September 14, 2021

20 /s/ HANNAH LABAREE
HANNAH LABAREE
Counsel for Defendant
Gary Stephen Maynard

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[PROPOSED] FINDINGS AND ORDER
EXTENDING TIME FOR PRELIMINARY
HEARING PURSUANT TO RULE 5.1(D) AND
EXCLUDING TIME

DATE: SEPTEMBER 21, 2021
TIME: 2:00 P.M.
COURT: HON. DEBORAH L. BARNES

The Court has read and considered the Stipulation for Extension of Time for Preliminary Hearing Pursuant to Rule 5.1(d) and Exclusion of Time, filed by the parties in this matter on September 10, 2021. The Court hereby finds that the Stipulation, which this Court incorporates by reference into this Order, demonstrates good cause for an extension of time for the preliminary hearing date pursuant to Rule 5.1(d) of the Federal Rules of Criminal Procedure.

Furthermore, for the reasons set forth in the parties' stipulation, the Court finds that the interests of justice served by granting this continuance outweigh the best interests of the public and the defendant in a speedy trial. 18 U.S.C. § 3161(h)(7)(A). The Court further finds that the extension of time would not adversely affect the public interest in the prompt disposition of criminal cases.

THEREFORE, FOR GOOD CAUSE SHOWN:

1. The date of the preliminary hearing is extended to November 22, 2021, at 2:00 p.m.
2. The time between September 21, 2021, and November 22, 2021, shall be excluded from

1 calculation pursuant to 18 U.S.C. § 3161(h)(7)(A).

2 3. Defendant shall appear at that date and time before the Magistrate Judge on duty.

3
4 IT IS SO ORDERED.

5
6 Dated: _____

The Honorable DEBORAH L. BARNES
UNITED STATES MAGISTRATE JUDGE